

—ORDINANCE NO. 03—

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 10, SECTION 10-1527(a) OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, RELATING TO GENERAL LAYOUT DESIGN STANDARDS; PROVIDING FOR EXEMPTIONS TO LEGAL ACCESS REQUIREMENTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, that:

Section 1. Chapter 10, Section 10-1527(a) of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

**Sec. 10-1527. General layout design standards.**

(a) A subdivision and every lot therein, as well as each undivided site to be developed, shall have legal access to a publicly dedicated street. Except for use with subdivisions that are to be platted, legal access shall also include licenses of way which are held by property owners, on the condition that the license holder agrees to execute a license recognition agreement with Leon County as a condition for the issuance of the permit. The license recognition agreement shall be in a form approved by the County Attorney, and shall include covenants which shall run with the land, acknowledging the existence of a terminable license agreement as the access basis for the issuance of the permit and agreeing that the licensee shall hold Leon County harmless for the issuance of such permit. Each permit granted pursuant to this license provision shall only be issued after the department has given notice of intent to issue such permit to the owners of all property that abut the license location, other than the licensor and any entity maintaining a public

1 street adjoining the license area. The requirement for legal access for a lot of record as of January  
2 1, 1984 shall be waived where the existing parcel does not have legal access at the time a permit  
3 application is filed for any residential use, provided that the existing parcel has at the time the  
4 permit application is filed and has previously maintained actual access through one or more  
5 adjoining parcels, one of which is at least 1000 acres in size; provided that as a condition to  
6 approval for such permit, the applicant acknowledges such lack of legal access in a form approved  
7 by the County Attorney, and records such form in the public records of Leon County, and agrees  
8 to hold Leon County harmless for the subsequent issuance of any such permits.

9 **Section 2.** Conflicts. All ordinances or parts of ordinances in conflict with the  
10 provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent  
11 of any conflicts with the Tallahassee-Leon County 2010 Comprehensive Plan as amended, which  
12 provisions shall prevail over any parts of this ordinance which are inconsistent, either in whole or  
13 in part, with the said Comprehensive Plan.

14 **Section 3.** Severability. If any word, phrase, clause, section or portion of this ordinance  
15 shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words  
16 shall be deemed a separate and independent provision and such holding shall not affect the validity  
17 of the remaining portions thereof.

18 **Section 4.** Effective Date. This ordinance shall have effect upon becoming law.  
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1 DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County,  
2 Florida, this \_\_\_\_ day of \_\_\_\_\_, 2003.

3 LEON COUNTY, FLORIDA

4  
5 BY: \_\_\_\_\_  
6 TONY GRIPPA, CHAIRMAN  
7 BOARD OF COUNTY COMMISSIONERS

8 ATTESTED BY:  
9 BOB INZER, CLERK OF THE COURT

10  
11 BY: \_\_\_\_\_  
12 CLERK

13  
14 APPROVED AS TO FORM:  
15 COUNTY ATTORNEY'S OFFICE  
16 LEON COUNTY, FLORIDA

17  
18  
19 BY: \_\_\_\_\_  
20 HERBERT W.A. THIELE, ESQ.  
21 COUNTY ATTORNEY